Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 919-10708-0272-145		Date: 07/31/19	Time: 2330
Location: [redacted] City Terrace Drive		City or Station: Los Angeles	
Bureau/Station/Facility: Central Patrol Division / East Los Angeles Station		Admin. Investigation: ◯ YES ◉ NO	
Type of Force: Control Holds; Personal Weapons; Takedown; Pepper Spray; Resisted Handcuffing			
Incident Category: ◯ 1 ◯ 2 ◉ 3	Deputy Injury: ◉ YES ◯ NO	Suspect Injury ◉ YES ◯ NO	
☐ Call ☒ Observation ☐ Detail		☐ Foot Pursuit ☐ Vehicle Pursuit	
IAB Notified: ◉ YES ◯ NO	Person Notified: Lt. Robert Jones II	Emp: [redacted]	IAB Roll Out ◉ YES ◯ NO

Involved Employee

E1

Employee #: [redacted]	Last Name: Martinez	First Name: Steven	Middle I.: A.	Rank: DSG
Sex: ◉ M ◯ F	Race: H	Height: 508	Weight: 185	Age: [redacted]
Shift: ◉ EM ◯ Day ◯ PM	◉ Regular Shift ◯ OT Shift ◯ Off Duty			
Unit of Assignment: East Los Angeles Station	Work Assignment (Unit #, Module, etc.): 21			
Individual Force Used: Control Holds; Personal Weapons; Takedown	◯ Directed ◯ Rescue ◯ Medical Assist	Individual Category ◯ 1 ◯ 2 ◉ 3		
☒ Injured ☒ Treated ☐ Admitted	Facility:	Coroner Case #		

E2

Employee #: [redacted]	Last Name: [redacted]	First Name: [redacted]	Middle I.:	Rank: DSG
Sex: ◉ M ◯ F	Race: H	Height: 508	Weight: 200	Age: [redacted]
Shift: ◉ EM ◯ Day ◯ PM	◉ Regular Shift ◯ OT Shift ◯ Off Duty			
Unit of Assignment: East Los Angeles Station	Work Assignment (Unit #, Module, etc.): 21			
Individual Force Used: Control Holds; Takedown; Resisted Handcuffing	◯ Directed ◯ Rescue ◯ Medical Assist	Individual Category ◯ 1 ◉ 2 ◯ 3		
☒ Injured ☒ Treated ☐ Admitted	Facility:	Coroner Case #		

E_

Employee #:	Last Name:	First Name:	Middle I.:	Rank:
Sex: ◯ M ◯ F	Race:	Height:	Weight:	Age:
Shift: ◯ EM ◯ Day ◯ PM	◯ Regular Shift ◯ OT Shift ◯ Off Duty			
Unit of Assignment:	Work Assignment (Unit #, Module, etc.):			
Individual Force Used:	◯ Directed ◯ Rescue ◯ Medical Assist	Individual Category ◯ 1 ◯ 2 ◯ 3		
☐ Injured ☐ Treated ☐ Admitted	Facility:	Coroner Case #		

On Duty Supervisor ☐ Additional Involved Employees

Emp #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Alvarado	Frank		Sgt.	YES ◉ NO ◯	YES ◯ NO ◉

Supervisor Completing Investigation

Emp #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Chang	Francois	H.	Sgt.	YES ◯ NO ◉	YES ◯ NO ◉

Watch Commander / Supervising Lieutenant

Emp #	Last Name	First Name	Middle I.	Rank
[redacted]	Reynaga	Hugo	H.	Lt.

[signature] 4/29/2020

Watch Commander / Supervising Lieutenant's **Signature**: Date | Copy Provided to Employee by: | Emp #:

William E. Jaeger, Captain

Unit Commander **(Print Name)** | Unit Commander's **Signature**: | Emp #: | Date

DISCOVERY Use Only
FO#

☐ PPI REVIEW COMPLETED

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 01/13)

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SUSPECT INFORMATION

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Suspect Information

S 1

Last Name: Escarcega | First Name: Richard | Middle Name: Angel | Armed? Select: Other

AKA Last Name: | First Name: | Middle Name:

Sex: (●) Male ( ) Female | Race: H | Age: 35 | Height: 509 | Weight: 185 | D.O.B: 07/24/84 | Phone #1: (●) H ( ) W ( ) C Refused | Phone #2: ( ) H ( ) W ( ) C

Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Booking #: 5704585 | Primary Charge Code: 69 PC | Secondary Charge Code: 21310 PC | [redacted] Criminal History

Treated on Scene? (●) YES ( ) NO | Name: Captain Licon | Unit: LA County Fire | Phone #: (323) 268-5884

Hospital Admission? ☒ | Rec'd Treatment At: East LA Doctors Hosp | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By: Dr. Scott Courtney | Address: 4060 Whittier Blvd, Los Angeles 90023 | Phone #: (323) 268-5514

Under Influence: (●) YES ( ) NO | Substance: CNS Stimulant | 5150 a factor in force? ( ) YES (●) NO User's guide provides direction on this entry

Suspect Interview

Date: 08/01/19 | Time: 0525 | ☐ Audiotape: | ☒ Videotape: | ☒ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name: | Armed? Select:

AKA Last Name: | First Name: | Middle Name:

Sex: ( ) Male ( ) Female | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ( ) H ( ) W ( ) C | Phone #2: ( ) H ( ) W ( ) C

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | ☐ Criminal History

Treated on Scene? ( ) YES ( ) NO | By: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By: | Address: | Phone #:

Under Influence: ( ) YES ( ) NO | Substance: | 5150 a factor in force? ( ) YES ( ) NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name: | Armed? Select:

AKA Last Name: | First Name: | Middle Name:

Sex: ( ) Male ( ) Female | Race: | Age: | Height: | D.O.B. | Weight: | Phone #1: ( ) H ( ) W ( ) C | Phone #2: ( ) H ( ) W ( ) C

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | ☐ Criminal History

Treated on Scene? ( ) YES ( ) NO | By: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By: | Address: | Phone #:

Under Influence: ( ) YES ( ) NO | Substance: | 5150 a factor in force? ( ) YES ( ) NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

☐ Additional Suspects Involved

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION

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Employee Witnesses

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift: ◯ EM ◯ Day ◯ PM	◯ Regular ◯ OT ◯ Off Duty

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift: ◯ EM ◯ Day ◯ PM	◯ Regular ◯ OT ◯ Off Duty

Emp. #	Last Name	First Name	Middle Name

Unit of Assignment:	Work Assignment (Unit #, Module, etc.):	Shift: ◯ EM ◯ Day ◯ PM	◯ Regular ◯ OT ◯ Off Duty

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	44	[redacted]

Street Address	City	Zip Code	Phone #1	Phone #2
[redacted]	[redacted]	[redacted]	[redacted]	[redacted]

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	34	[redacted]

Street Address	City	Zip Code	Phone #1	Phone #2
[redacted]	[redacted]	[redacted]	[redacted]	

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

☐ Additional Witness

Supervisor's Report on Use of Force

9 1 9 - 1 0 7 0 8 - 0 2 7 2 - 1 4 5

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(RO) Restraint Device (Other)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(IR) Less Lethal Impact Round (other)
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative
(HR) High Risk

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Involved

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
Escarcega	S1	Martinez	E1	RS	NN	
Escarcega	S1	[redacted]	E2	RS	NN	
Escarcega	S1	Martinez	E1	PP	NN	
Escarcega	S1	Martinez	E1	HR	NN	
Martinez	E1	Escarcega	S1	PH	FR	FA
Martinez	E1	Escarcega	S1	TT	NN	AD
[redacted]	E2	Escarcega	S1	CT	NN	AR
Martinez	E1	Escarcega	S1	OC	NN	FA
Martinez	E1	Escarcega	S1	RH	NN	WR
[redacted]	E2	Escarcega	S1	RH	NN	WR

INVESTIGATIVE SUMMARY

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

INCIDENT: **Category 3 Force, Jaw Fracture**

IAB FILE NUMBER: **FO 2489812**

URN#: **919-10708-0272-145**

DATE/TIME: **July 31, 2019, 2330 hours**

LOCATION: [redacted] **City Terrace Drive, Los Angeles**

On Wednesday, July 31, 2019, Internal Affairs Bureau (IAB) investigators Sergeants Calvin Mah and Luan Dang responded to East Los Angeles Station to investigate a Category 3 Force incident [**Exhibit A**].

After the force incident, Suspect Richard Escarcega was transported to East Los Angeles Doctors Hospital and diagnosed with a jaw fracture [**Exhibit B**].

SYNOPSIS

On July 31, 2019, at approximately 2330 hours, Deputies Steven Martinez and [redacted] were on patrol in the unincorporated Los Angeles County area of East Los Angeles. Deputies Martinez and [redacted] were together in a marked, black and white patrol vehicle. Deputy Martinez was the passenger. As the deputies travelled west on City Terrace Drive, they saw Suspect Escarcega walking east on City Terrace Drive from Carmelita Avenue. The deputies said Suspect Escarcega was walking with an "unsteady gait," losing his footing.

Deputies Martinez and [redacted] contacted Suspect Escarcega to determine if he was under the influence of a narcotic or intoxicated. Deputy Martinez was first to exit their patrol vehicle and closest to Suspect Escarcega, who was walking on the sidewalk. Deputy Martinez conducted a consensual encounter and said he asked Suspect Escarcega if he was on parole and if he had anything illegal on him. Suspect Escarcega replied, "No," and rambled something as he looked down toward his waistband.

Deputy Martinez said Suspect Escarcega was sweating profusely, had dilated pupils, and continued to ramble. Deputy Martinez believed Suspect Escarcega was under the influence of a controlled substance (stimulant). Deputies Martinez and [redacted] attempted to detain Suspect Escarcega pending an under the influence investigation. Additionally, Deputy Martinez said he saw a bulge protruding from the right side of Suspect Escarcega's waistband and believed it to be a weapon. Additionally, Deputies

Martinez and [redacted] recognized Suspect Escarcega's tattoos and baggy clothing as characteristics common among southern Hispanic gang members. Therefore, Deputies Martinez and [redacted] wanted to conduct a pat down search of Suspect Escarcega. Deputy Martinez said he directed Suspect Escarcega to place his hands behind his back, as he attempted to grab Suspect Escarcega's left arm. Suspect Escarcega tensed his arms and began reaching toward his waistband. Deputy Martinez said Suspect Escarcega pushed him away and took a fighting stance while continually reaching for his waistband. Meanwhile, Deputy [redacted] attempted to grab Suspect Escarcega's right hand, but could not control it.

Deputy Martinez believed Suspect Escarcega was reaching for a gun and feared he was about to be assaulted and/or shot. Deputy Martinez immediately punched Suspect Escarcega five to six times in the face (based on transcripts, reports, and video), but the punches were ineffective. Deputy [redacted] radio broadcasted for assistance, relaying they were involved in a fight [**Exhibit C**].

> **IAB Note:** Field Sergeants Frank Alvarado (Unit 20S), # [redacted], and Claudia Saucedo (Unit 21S), # [redacted], both acknowledged their radios with a response time of two to four minutes away. Aero Bureau personnel also acknowledged their radio with a response time of six minutes away.

Deputy [redacted] said he also saw a bulge protruding from Suspect Escarcega's waistband and believed it was possibly a gun. Deputies Martinez and [redacted] said they continually gave Suspect Escarcega commands to stop fighting and to stop reaching for his waistband, to no avail. Deputies Martinez and [redacted] said Suspect Escarcega violently "thrashed" his body from side to side, dropped down to his knees, and reached for his waistband.

Deputy Martinez again punched Suspect Escarcega's face to stop him from reaching into his waistband, still having no effect. Deputy Martinez thought the suspect was a threat to him and Deputy [redacted] Deputies Martinez and [redacted] followed Suspect Escarcega to the ground, by kneeling on the ground next to Suspect Escarcega. Deputies Martinez and [redacted] positioned their bodies on top of him. Deputies Martinez and [redacted] used their body weight to hold him down. While on the ground, Deputies Martinez and [redacted] attempted to handcuff Suspect Escarcega who was resisting them by refusing to relinquish his hands. As the deputies struggled to handcuff Suspect Escarcega, Deputy Martinez employed his pepper spray in Suspect Escarcega's face. The pepper spray was effective and Suspect Escarcega briefly submitted to the deputies' commands by allowing them to place his hands behind his back. Deputies Martinez and [redacted] then handcuffed Suspect Escarcega.

Deputies Martinez and [redacted] said Suspect Escarcega still attempted to reach for his waistband, even though he was handcuffed. According to Deputy [redacted] at one point, Suspect Escarcega used his handcuffed left hand to forcefully grab Deputy [redacted] right thumb. Suspect Escarcega violently kicked his legs, prompting Deputy [redacted] to

straddle them to stop him from kicking. Suspect Escarcega eventually stopped fighting and no longer resisted.

Deputy [redacted] searched Suspect Escarcega and found a nine-inch knife beneath the baggy clothing of his right waistband. Deputy [redacted] said the knife was in good working condition, capable of causing great bodily injury or death [**Exhibit A**]. Deputy [redacted] broadcasted Suspect Escarcega was handcuffed.

Upon the arrival of assisting deputies, they hobbled Suspect Escarcega, without resistance, to prevent him from kicking as he did earlier.

> **IAB Note:** Various camera angles captured the use of force incident on video [**Exhibit D**].

Suspect Escarcega was medically treated in the field for possible injuries and transported via ambulance to the hospital. Deputies, uninvolved in the use of force, escorted Suspect Escarcega and medical personnel during the transport. Deputies Martinez and [redacted] reported their use of force to Sergeant Alvarado.

> **IAB Note:** East Los Angeles Station Sergeant Saucedo attempted to get a statement from a male Hispanic bystander who was at Eva's Liquor store, on the northeast corner of City Terrace Drive and Carmelita Avenue. The bystander said he witnessed the incident and video recorded it. The bystander refused to provide a copy of the video to Sergeant Saucedo and declined to provide his identifying information or a statement as to what happened. The bystander said he would consult with Suspect Escarcega before doing anything. Sergeant Saucedo gave her business card to the bystander in case he decided to discuss the incident with her at a later time (**Miscellaneous Documents, Uncooperative Witness**). Sergeant Saucedo also contacted another bystander, Witness [redacted] who was in the area at the time of the incident. Mrs. [redacted] did not witness the incident, except for hearing a man say, "I can't breathe. Let me up." Mrs. [redacted] looked in the direction of the voice and saw what appeared to be a deputy sitting on the man. Witness [redacted]s view was obstructed by a patrol vehicle (**Miscellaneous Documents,** [redacted]). Sergeant Saucedo took video of the use of force area (**Miscellaneous Documents, Use of Force Area**).

INVOLVED EMPLOYEE AND WORK HISTORY

Steven Martinez, #[redacted], Deputy Sheriff
Central Patrol Division
East Los Angeles Station

Work History

Date of Employment:	11/15/2007
Date Assigned to East Los Angeles Station	09/30/2018

Date Completed Patrol Training: [redacted]
Prior Founded Force Incidents: 1

Equipment Worn on Person

Class "A" uniform (long Sleeve), magazines, tourniquet, radio, baton, handcuffs, oleoresin capsicum spray, Smith & Wesson M&P handgun

[redacted] #[redacted] Deputy Sheriff
Central Patrol Division
East Los Angeles Station

Work History

Date of Employment: [redacted]
Date Assigned to East Los Angeles Station
Date Completed Patrol Training:
Prior Founded Force Incidents:

Equipment Worn on Person

Class "A" uniform (long sleeve), magazines, radio, baton, handcuffs, oleoresin capsicum spray, Smith & Wesson M&P handgun.

SUSPECT INFORMATION

Richard Escarcega
MH, DOB: 07/24/84, 5'09," 185 lbs., brown hair/ brown eyes
Address: [redacted]
CII# [redacted]; MAIN# [redacted] FBI# [redacted]

Suspect Escarcega had a [redacted] history which revealed he had a prior [redacted] (reduced to [redacted] for [redacted] and [redacted], and [redacted] (**Miscellaneous Documents, CCHRS and RAPS Printout**).

SUSPECT INJURIES:

Suspect Escarcega was diagnosed by Dr. Courtney Scott with having a "non-displaced partial jaw fracture" (**Scott Transcript, Page 3**). Dr. Scott said Suspect Escarcega's injury was consistent with being punched in the face. See Dr. Scott's "Statement of Physician" and related Avanti Hospital medical paperwork, submitted with Suspect Escarcega's Los Angeles County Jail Booking and Property Record [**Exhibit A**].

Additionally, Dr. Scott opined Suspect Escarcega appeared to be "high on drugs," evidenced by his behavior, of someone who is under the influence of

methamphetamine. Dr. Scott described Suspect Escarcega's behavior as, "erratic, his heart rate was elevated, and he was agitated" (**Scott Transcript, Page 2**).

DEPUTY PERSONNEL INJURIES

Deputy Martinez suffered a one-inch laceration above his pinky knuckle, including swelling to his right pinky and ring knuckles (**Miscellaneous Documents, Photographs of Deputy Steven Martinez**).

Deputy [redacted] suffered a "scraped" right thumb and swelling to it, including scratches on both hands (**Miscellaneous Documents, Photographs of Deputy** [redacted]).

PHYSICAL EVIDENCE

None.

INVESTIGATOR'S OBSERVATIONS

IAB investigators arrived within approximately four hours after the use of force incident. IAB investigators searched for witnesses but did not find any.

The incident occurred on the south sidewalk of City Terrace Drive, in front of a closed restaurant, [redacted] at [redacted] City Terrace Drive, East Los Angeles. It is a commercial area, with most of the businesses closed, except for Eva's Liquor located across the street at [redacted] City Terrace Drive, East Los Angeles.

IAB investigators took photographs [**Exhibit E**] of Suspect Escarcega following the use of force, after he was medically treated.

LIGHTING AND WEATHER CONDITIONS

The incident occurred during nighttime hours in clear, dry weather conditions. There were several street lights that illuminated the area. The Weather Channel reported the high temperature of the day was 84 degrees and the low temperature was 65 degrees.

WEAPON USED BY DEPUTIES

None.

WEAPON USED BY SUSPECT ESCARCEGA

None.

PROPERTY DAMAGE

None.

CRIMINAL INVESTIGATION AND CHARGES FILED

The Los Angeles County District Attorney's office charged Suspect Escarcega with the following:

1. 69 PC Resisting an Executive Officer
2. 21310 PC Carrying a Concealed Dirk or Dagger
3. 11364 HS Possession of Drug Paraphernalia

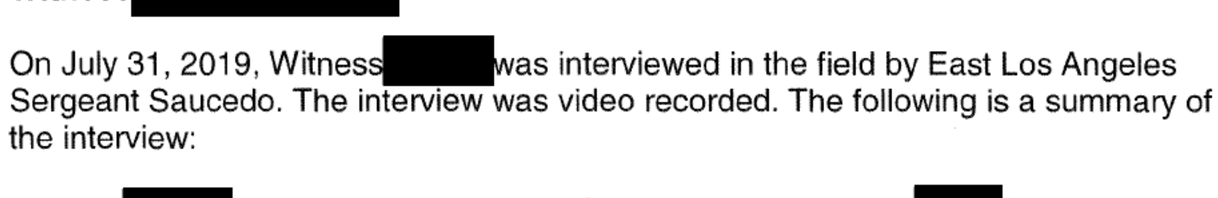
The criminal matter is presently being adjudicated, but the matter was continued on March 23, 2020, due to the Covid-19 pandemic (**Miscellaneous Documents, Minute Order, Superior Court of California, County of Los Angeles**).

STATEMENTS

The following narratives are intended only as a synopsis of the interviews which have been summarized for clarification purposes. Additional information and precise wording may be obtained by reviewing the digitally audio recorded interviews and verbatim transcriptions.

WITNESS STATEMENTS

Witness [redacted]



On July 31, 2019, Witness [redacted] was interviewed in the field by East Los Angeles Sergeant Saucedo. The interview was video recorded. The following is a summary of the interview:

Witness [redacted] was walking her dog on Carmelita Avenue, near [redacted] City Terrace Drive, during the time of the incident. When Sergeant Saucedo asked her if she saw what happened, Witness [redacted] replied, "I did not see what happened." Sergeant Saucedo subsequently asked Witness [redacted] if she heard anything. Witness [redacted] replied, "I could hear a man say, I can't breathe. Let me up." Witness [redacted] then stopped walking her dog and looked in the deputies' direction, but her view was obstructed by a Sheriff's patrol vehicle. Witness [redacted] continued walking to get a better view and saw what looked like "somebody down" and "an officer sitting on him, but I don't know anything about that." Witness [redacted] then said she remembered seeing two officers during the time of the incident.

> **IAB Note:** Video of the incident appears to show Witness [redacted] walking into camera view, along with her dog, after the use of force incident occurred and

assisting deputies had arrived. Deputies Martinez and [redacted] are seen kneeling on top of Suspect Escarcega who was already handcuffed.

SUSPECT STATEMENT

Suspect Richard Escarcega

On August 1, 2019, Suspect Escarcega was interviewed by IAB Sergeants Mah and Steve Upton, #[redacted] at East Los Angeles Station. The interview was video recorded [**Exhibit F**]. The following is a summary of the interview:

Suspect Escarcega "plead the 5th," and requested a lawyer. Suspect Escarcega declined to interview and said, "they defamation my character."

INVOLVED EMPLOYEE STATEMENTS

Involved Employee - Deputy Steven Martinez

On July 31, 2019, Deputy Martinez was interviewed by IAB Sergeants Mah and O'Donnell at IAB. Deputy Martinez was represented by Attorney Amanda Waters of Rains Lucia Stern St. Phalle & Silver, PC. The following is a summary of the interview: On July 31, 2019, Deputies Martinez and [redacted] were on patrol, driving west on City Terrace Drive. Deputy Martinez was the passenger. Deputy Martinez saw Suspect Escarcega walking at the corner of Carmelita Avenue and City Terrace Drive. Suspect Escarcega was walking with an "unbalanced gait," by "swinging back and forth, kinda losing his footing" (**Martinez Transcript, page 9**).

Deputies Martinez and [redacted] drove toward Suspect Escarcega to contact him. Deputy Martinez exited their patrol vehicle and asked Suspect Escarcega if he was on parole and/or had anything illegal on him. Suspect Escarcega replied, "No," and rambled something incoherent. Deputy Martinez saw Suspect Escarcega sweating profusely and had dilated pupils. Suspect Escarcega ignored Deputy Martinez' questions and continued to ramble, leading him to believe Suspect Escarcega was under the influence of a controlled substance (stimulant).

Deputy Martinez saw a bulge protruding from the right side of Suspect Escarcega's waistband and described it as the "imprint of some kind of weapon over his clothing" (**Martinez Transcript, page 11**). Deputy Martinez walked toward Suspect Escarcega and maintained watch of his hands and eyes as they faced each other.

Deputy Martinez came within reach of Suspect Escarcega, grabbed his left arm, and commanded him to place his hands behind his back. Suspect Escarcega immediately tensed his arms and used both hands to reach for the right side of his waistband.Suspect Escarcega quickly moved his waistband from side to side, as if he was trying to grab something from within it.

Deputy [redacted] assisted by grabbing Suspect Escarcega's right arm as Suspect Escarcega reached toward his waistband and pulled it (waistband) up. Deputy Martinez believed Suspect Escarcega might have a gun. Suspect Escarcega pushed Deputy Martinez away from him, using his left hand, turned around, and "squares up to me." Suspect Escarcega reached for his waistband again. Deputy Martinez immediately punched Suspect Escarcega in the face, five to six times, fearing he was about to be assaulted and/or shot, but the punches were ineffective. Deputy Martinez said, "I was scared, I was nervous, my heart started racing" (**Martinez Transcript, Page 14**).

Suspect Escarcega continued to reach for his waistband as Deputy Martinez grabbed his left arm to stop him. Suspect Escarcega "thrashed" his body from side to side to break free from Deputy Martinez' grasp. Deputy Martinez believed Suspect Escarcega was going to seriously hurt him and Deputy [redacted] Deputy Martinez then punched Suspect Escarcega an additional three to four times in the face as he held onto Suspect Escarcega's left arm.

Suspect Escarcega dropped to one knee and reached for the right side of his waistband with his left hand. Deputy Martinez yelled, "Hey, stop reaching for your waistband!" Suspect Escarcega continued "violently thrashing his body" from left to right, and pulled his left arm away from Deputy Martinez' grasp. Deputy Martinez grabbed Suspect Escarcega's right wrist and attempted to place it behind his back, as he commanded him to stop fighting. Suspect Escarcega disobeyed Deputy Martinez' commands and continued reaching for his waistband. Deputy Martinez punched Suspect Escarcega an additional two to three times with his right fist and reassessed the situation. Deputy Martinez realized the punches seemed to have no effect.

Deputy Martinez used his body weight on Suspect Escarcega's upper back to push him down, onto his stomach. Suspect Escarcega reached downward, pulling Deputy Martinez' and [redacted] hands down to the ground. Suspect Escarcega tried to push Deputies Martinez and [redacted] off him. Deputy Martinez was "very exhausted" and thought Suspect Escarcega was "going to end up possibly taking both of our lives" (**Martinez Transcript, Page 19**). Deputy Martinez punched Suspect Escarcega two to three times in the face. Suspect Escarcega then fell onto his stomach, tucked both hands beneath his body, near his waistband, and began kicking his feet.

Deputy Martinez laid on top of Suspect Escarcega's upper back and tried to pull Suspect Escarcega's arms from beneath him. Deputy [redacted] was positioned somewhere on Suspect Escarcega's back and got hold of his left arm. Deputy Martinez then employed his pepper spray on Suspect Escarcega. The pepper spray was effective and allowed Deputies Martinez and [redacted] to place Suspect Escarcega's hands behind his back and handcuff him. Suspect Escarcega was still resistive by moving his hands toward the right side of his waistband.

Deputy [redacted] searched Suspect Escarcega and found a nine-inch knife hidden beneath the right side of his shorts, along with methamphetamine in his possession. Deputy Martinez did not see any injuries to the suspect; however, he and Deputy

[redacted] requested medical treatment for him in the field. Deputy Martinez notified Sergeant Alvarado of the force he used. Sergeant Alvarado debriefed the incident with the involved personnel.

Involved Employee - Deputy [redacted]

On November 1, 2019, Deputy [redacted] was interviewed by IAB Sergeants Mah and Omar Camacho, #[redacted] at IAB. Deputy [redacted] was represented by Attorney Bill Hadden of Rains Lucia Stern St. Phalle & Silver, PC. The following is a summary of the interview:

On July 31, 2019, Deputies Martinez and [redacted] were on patrol, driving west on City Terrace Drive. Deputy [redacted] saw Suspect Escarcega walking east on the south sidewalk of City Terrace Drive. Deputy [redacted] said, "There was something off about his [Suspect Escarcega] walk. He had...an unsteady gait" ([redacted] **Transcript, page 6**).

Deputy [redacted] wanted to contact Suspect Escarcega to determine if he was under the influence of narcotics or intoxicated. As Deputy [redacted] stopped the patrol vehicle, Deputy Martinez simultaneously exited their patrol vehicle to speak with Suspect Escarcega. Deputy [redacted] heard Suspect Escarcega yelling something and could see him sweating profusely as he walked toward him. Suspect Escarcega had rapid speech and could not stand still. Deputies [redacted] and Martinez decided to detain Suspect Escarcega pending an under the influence investigation.

Deputy Martinez told Suspect Escarcega to put his hands behind his back, but he refused. Suddenly, Suspect Escarcega reached for his waistband. Deputy Martinez punched Suspect Escarcega in the face four times. Deputy [redacted] reached for Suspect Escarcega's hands to stop him from reaching to his waistband. Deputy [redacted] radio broadcasted for assistance, saying they were involved in a fight. Deputy [redacted] saw a large bulge protruding from the waistband of Suspect Escarcega's baggy clothing. Deputies [redacted] and Martinez could not control Suspect Escarcega's hands. Due to seeing gang-like tattoos on Suspect Escarcega, coupled with his demeanor, and Deputy [redacted] knowledge of recent shootings in the area, Deputy [redacted] feared Suspect Escarcega might have had a gun.

Deputies [redacted] and Martinez continuously commanded Suspect Escarcega to "stop moving" as they fought with him. Deputy [redacted] saw Deputy Martinez punch Suspect Escarcega in the face, two times, a second time, since Suspect Escarcega refused to obey their commands. Suspect Escarcega used his "dead weight" to drop down to his knees and continued reaching for his waistband. Deputy [redacted] perpetually thought Suspect Escarcega might have a gun hidden in his waistband and tried to prevent him from reaching any further.

Deputy Martinez punched Suspect Escarcega two times in the face, a third time. Deputy [redacted] reassessed the force used on Suspect Escarcega. Deputy [redacted] thought the force was ineffective, and believed Suspect Escarcega was "high."

IAB Note: Deputy [redacted] later reviewed video of the incident with IAB investigators, after being read the Department Video Admonishment. Deputy [redacted] changed his earlier statement of three separate punching incidents to two punching incidents.

Suspect Escarcega laid down onto his stomach, with his hands beneath him. Deputies [redacted] and Martinez continued commanding Suspect Escarcega to put his hands behind his back, to no avail. As Deputy [redacted] tried to pull Suspect Escarcega's hands from beneath him and behind his back, Deputy Martinez pepper sprayed Suspect Escarcega in the face. Deputies [redacted] and Martinez were then able to handcuff Suspect Escarcega who continued to resist. Suspect Escarcega violently kicked his feet, prompting Deputy [redacted] to straddle his legs. Deputies [redacted] and Diego Ramirez, #[redacted], hobbled Suspect Escarcega without resistance to prevent him from kicking.

Deputy [redacted] searched Suspect Escarcega and found a nine-inch knife, concealed beneath the right side of his waistband. Deputy [redacted] described the knife as having a five-inch blade and "a thick twine" around the handle. Suspect Escarcega told Deputy [redacted] the twine was used for a "better grip." Deputy [redacted] also found narcotic paraphernalia in the suspect's possession. A subsequent search of suspect Escarcega's wallet revealed he was also in possession of methamphetamine. Deputy [redacted] did not see any specific injuries on Suspect Escarcega, but remembered seeing blood around his nose and mouth. Deputies [redacted] and Martinez had Suspect Escarcega medically treated by Los Angeles County Fire Department personnel in the field. Suspect Escarcega was later transported to East Los Angeles Doctors Hospital to receive medical clearance for booking.

Deputies [redacted] and Martinez debriefed the incident with Sergeant Alvarado. During the debriefing, tactics were discussed. Deputy [redacted] opined there were no better force options at the time of the incident, due to how quickly the incident evolved. The most effective force option was the immediate control of Suspect Escarcega's hands.